

How child and spousal support is calculated for self-employed payers

Question: I'm self-employed and in 2003 I made a great deal more in income than in 2004 or 2002. But my wife's lawyer insists that she's going to calculate the amount of child and spousal support based on the income I reported in the latest tax returns filed (2003). Is this fair? Is this what the courts are going to do when calculating child and spousal support?

Answer: No. The court should either look at your most recent income (2004) or at the very least should average your past three years income if your income goes "up and down" or fluctuates because of the nature of your income.